IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel. DONALD GALE, Relator, v. OMNICARE, INC., Defendant.	Case No. 1:10-CV-0127 Judge James S. Gwin Magistrate Judge McHargh

DEFENDANT OMNICARE, INC.'S MOTION TO STRIKE RELATOR'S REPLY MEMORANDUM IN FURTHER SUPPORT OF RELATOR'S MOTION TO EXCLUDE THE EXPERT REPORT OF DR. MOHAN RAO, PH.D, AND MEMORANDUM IN SUPPORT THEREOF

Defendant Omnicare, Inc. ("Omnicare") hereby moves to strike Relator's Reply Memorandum In Further Support Of Relator's Motion To Exclude The Expert Report Of Dr. Mohan Rao, Ph.D, filed on September 4, 2013, because Relator had no right to file a reply memorandum. Under Local Rule 7.1.(e), the Court's orders control whether a party has a right to file a reply memorandum. The Court's Order dated January 8, 2013 clearly set forth the number and schedule of allowed memoranda with regard to experts in this action, specifically stating that only an objection and a response would be allowed. (ECF No. 51.) The Order did not provide for a reply memorandum. Omnicare heeded the Court's Order and did not file a reply memorandum. Relator, without seeking leave, filed a reply memorandum. Relator's reply was filed in violation of the Local Rules and this Court's Order and should be stricken.

For these reasons, Omnicare respectfully requests that the Court strike Relator's reply memorandum. If the Court denies this motion to strike Relator's reply memorandum, Omnicare requests that the Court allow it to file a reply memorandum within seven (7) days of the Court's order on this motion.

Dated: September 5, 2013

Respectfully submitted,

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Counsel for Defendant Omnicare, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2013, the foregoing Defendant Omnicare, Inc.'s Motion To Strike Relator's Reply Memorandum In Further Support Of Relator's Motion To Exclude The Expert Report Of Dr. Mohan Rao, Ph.D, And Memorandum In Support Thereof, was filed electronically through the Court's electronic filing system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Additionally, I hereby certify that on September 5, 2013, a copy of the Defendant Omnicare, Inc.'s Motion To Strike Relator's Reply Memorandum In Further Support Of Relator's Motion To Exclude The Expert Report Of Dr. Mohan Rao, Ph.D, And Memorandum In Support Thereof, was served on the following by electronic mail:

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